

STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION
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FILED

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INDIANA UTILITY
REGULATORY COMMISSION
CAUSE NO. 42398

**COMPLAINT OF NUVOX COMMUNICATIONS
OF INDIANA INC., AGAINST SBC INDIANA
REGARDING ITS UNLAWFUL BILLING
PRACTICES FOR COLLOCATION POWER
CHARGES**

**RESPONDENT:
INDIANA BELL TELEPHONE
COMPANY, D/B/A SBC INDIANA**

You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") has caused the following entry to be made:

On August 19, 2003, the Petitioner, Nuvox Communication of Indiana, Inc., ("Petitioner" or "Nuvox") filed a *Motion for Confidential Treatment of Portions of August H. Ankum's Pre-Filed Direct Testimony* ("Motion") in this Cause. In its Motion, Nuvox indicated that certain SBC Collocation Guideline information contained in the direct testimony of Dr. Ankum was obtained by Nuvox from SBC through discovery. SBC indicated in its discovery response that the information was confidential and proprietary. Nuvox indicated that it had entered into a Non-Disclosure agreement with SBC Indiana and pledged therein to seek confidential treatment of information designated by SBC as confidential.

The Presiding Officers reviewed the information contained in the Petitioner's Motion and Affidavit, and issued a docket entry dated August 21, 2003, finding there was not a sufficient basis for a preliminary finding that confidential procedures were appropriate and should be followed concerning the confidential information to be submitted by the Petitioner. Accordingly, the Presiding Officers found that the Petitioner should file an affidavit, prepared by SBC Indiana, in support of the Petitioner's Motion on or before August 29, 2003.

On August 29, 2003, the Petitioner, Nuvox Communication of Indiana, Inc., ("Petitioner" or "Nuvox") filed a *Submission of Supplemental Affidavit in Support of Nuvox Indiana, Inc.'s Motion for Confidential Treatment of Portions of August H. Ankum's Pre-Filed Direct Testimony* ("Motion"). The Petitioner's Motion is supported by the *Affidavit of Stephen J. Weinert*, ("Affidavit"), Associate Director in the Network Planning and Engineering organization for SBC Communications, Inc. in this Cause.

The Presiding Administrative Law Judge, having reviewed the information contained in the Petitioner's Motion and Affidavit, finds that there is a sufficient basis for a preliminary finding that confidential procedures are appropriate and should be followed concerning the direct

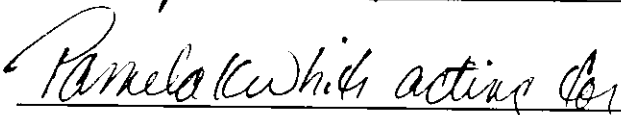
testimony of Dr. Ankum. Accordingly, the Petitioner shall file a public redacted version of the testimony of Dr. August H. Ankum and shall *hand deliver* to the Presiding Administrative Law Judge the unredacted version of the testimony of Dr. August H. Ankum (which contains the Confidential Material), under seal and marked as confidential, and such information shall be treated as confidential on a preliminary basis, in accordance with IC § 5-14-3-4

IT IS SO ORDERED.



Scott R. Storms, Chief Administrative Law Judge

Date: September 8, 2003



Nancy E. Manley, Secretary to the Commission